IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

WP(C).No. 3273 of 2006(M)

PETITIONER:

K.T.GEORGE, AGED 60 YEARS,
S/O.LATE K.C.THOMAS, KANDATHIL HOUSE,
RAMAPURAM P.O. VIA.PALAI, KOTTAYAM.

BY ADV. SRI.C.R.SIVAKUMAR
SMT.G.VIDYA

RESPONDENTS:
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1. **THE STATE OF KERALA, REPRESENTED BY THE SECRETARY, DEPARTMENT OF TAX (F), SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE EXCISE COMMISSIONER, DEPARTMENT OF EXCISE, VELLAYAMBALAM, THIRUVANANTHAPURAM.**

3. **THE TREASURY OFFICER, MEENACHIL SUB TREASURY, KOTTAYAM DISTRICT.**

***ADDL.R4 IS IMPLEADED:**

R4. THE ACCOUNTANT GENERAL (A&E), OFFICE OF THE ACCOUNTANT GENERAL (A&E), KERALA, THIRUVANANTHAPURAM.

(ADDL.R4 IS IMPLEADED AS PER ORDER DTD. 7/02/2006 IN I.A.NO.2062/06)

BY GOVERNMENT PLEADER SMT. LAKSHMI RANI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.3273/2006 M

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:	**COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 2ND RESPONDENT DTD. 06/10/2003.**
EXT.P2:	**COPY OF THE INTIMATIONS SENT BY THE ACCOUNTANT GENERAL'S OFFICE TO THE PETITIONER DTD. 10/02/04.**
EXT.P3:	**COPY OF THE INTIMATION SLIP AS WELL AS GRATUITY ORDER DTD. 13/.02/04.**
EXT.P4:	**COPY OF THE JUDGMENT IN WP(C) NO.8274/2004 DTD. 9/03/2004.**
EXT.P5:	**COPY OF THE ORDER DTD. 29/05/2004.**
EXT.P6:	**COPY OF THE ORDER DTD. 21/10/2005.**
EXT.P7:	**COPY OF THE ORDER DTD. 06/01/2006.**

/TRUE COPY/

Kss

K.K.DENESAN, J.

WP(C)No. 3273 OF 2006

Dated this the 13th February, 2007.

JUDGMENT

Counter affidavit says that the terminal benefits due to the petitioner have been disbursed. That statement in the counter affidavit is not disputed. It is however submitted on behalf of the petitioner that the petitioner is entitled to get interest for the delayed payment. The above prayer, in my view, can more effectively, be adjudicated in Civil Court (see V.Vijayakumaran Nair v. State Bank of Travancore & another {2005(1) KLJ 547}. Without prejudice to the right of the petitioner to file suit before the concerned Civil Court, this writ petition is closed.

K.K.DENESAN
Judge

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